

Assembly Bill No. 889

Passed the Assembly August 27, 2009

Chief Clerk of the Assembly

Passed the Senate August 17, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 5832, 5833, 5834, 5841, 5841.5, and 5842 of, and to repeal Section 5842.5 of, the Public Resources Code, relating to open-space preservation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 889, Jones. Open-space preservation: Bushy Lake and Urban American River Parkway.

(1) The Bushy Lake Preservation Act declares that the County of Sacramento and the City of Sacramento have developed the American River Parkway, a 23-mile open-space greenbelt in the lower American River flood plain.

This bill would declare instead that the County of Sacramento and the City of Sacramento have adopted by resolutions, and the City of Rancho Cordova has endorsed by resolution, the American River Parkway Plan, a 29-mile open-space greenbelt in the American River flood plain.

(2) The Bushy Lake Preservation Act requires the California Exposition and State Fair Board of Directors to preserve, for public day use and enjoyment, the California Exposition flood plain in a manner consistent with the definition of a state park. The act requires the California Exposition and State Fair Board of Directors to preserve the Bushy Lake area consistent with the features of a natural preserve.

This bill also would require the California Exposition and State Fair Board of Directors to preserve the California Exposition flood plain in accordance with the American River Parkway Plan as an element of the Sacramento County General Plan. The bill additionally would require the California Exposition and State Fair Board of Directors to manage, or provide, pursuant to an agreement with the American River Parkway Manager, for the management of, the Bushy Lake area in accordance with land use designations and policies of the American River Parkway Plan.

(3) The Bushy Lake Preservation Act authorizes the California Exposition and State Fair Board of Directors to permit parking only during the State Fair and only on specified land.

This bill would further specify that the land is on approximately 11 unsurfaced acres, and would authorize parking on that land for specified additional purposes so long as the total number of parking days does not exceed 34 days per year. The bill would require one acre of the specified land to be open to parkway users for public access if certain conditions are met.

(4) The Urban American River Parkway Preservation Act defines the American River Parkway Plan as the revised, updated management plans for the lower American River adopted by resolutions of the City of Sacramento and the County of Sacramento. The act declares that the American River Parkway and its environs contribute to the quality of life within the City of Sacramento.

This bill would revise the definition of the American River Parkway Plan to include revised and updated plans adopted by the City of Sacramento and the County of Sacramento, including an endorsement by the City of Rancho Cordova adopted by resolution. This bill would declare that the American River Parkway and its environs also contribute to the quality of life within the City of Rancho Cordova.

(5) The Urban American River Parkway Preservation Act permits in-line skating on the American River Parkway on a trial basis until January 1, 2001, and if the board of supervisors and the city council determine that the trial was successful, in-line skating may be added to the list of permitted recreational uses for the parkway on a permanent basis upon approval of the board of supervisors and city council.

This bill would delete this provision.

(6) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 5832 of the Public Resources Code is amended to read:

5832. The Legislature finds and declares that:

(a) The lower American River is in the California Wild and Scenic Rivers System as designated in subdivision (e) of Section 5093.54, and has thus been determined by the Legislature as

possessing extraordinary scenic, recreational, fishery, and wildlife values.

(b) The County of Sacramento on September 10, 2008, by Resolution No. 2008-0946, and the City of Sacramento on November 6, 2008, by Resolution No. 2008-731, have adopted, and the City of Rancho Cordova on September 15, 2008, by Resolution No. 110-2008, has endorsed, the 2008 American River Parkway Plan with promulgated land use regulations to prevent urban and other incompatible encroachment into the parkway, a 29-mile open-space greenbelt in the lower American River flood plain.

(c) The California Exposition flood plain contains an unprotected block of significant riparian habitat remaining in the lower American River flood plain, and the United States Fish and Wildlife Service has determined that this riparian habitat is of vital importance and an integral part of the American River.

SEC. 2. Section 5833 of the Public Resources Code is amended to read:

5833. (a) The California Exposition and State Fair Board of Directors shall preserve, for public day use and enjoyment, the California Exposition flood plain in a manner consistent with the definition of a state park in accordance with Section 5019.53 and consistent with the American River Parkway Plan, an element of the Sacramento County General Plan. Notwithstanding the foregoing, the parking of public and private vehicles may be permitted during the State Fair and only on the flood plain land abutting the riverside toe of the levee as it exists on January 1, 1977, on approximately 11 unsurfaced acres beginning at least 400 feet east of the Bushy Lake area and extending not more than 1,500 feet along the toe of such levee eastward of the Bushy Lake area and extending not more than a distance of 300 feet riverward from such levee.

(b) The California Exposition and State Fair also may utilize the area referenced in subdivision (a) for California Exposition exhibitor parking related to agricultural and equestrian events taking place on the California Exposition land in a livestock pavilion, an equestrian arena, or both, if the livestock pavilion and equestrian arena are sited as they were sited on April 1, 2009. The total number of days that parking may be permitted under this subdivision and subdivision (a) shall not exceed 34 days per year.

(c) In addition to the parking permitted by subdivisions (a) and (b), one acre of the existing unsurfaced 11-acre parking area shall be open to parkway users for public access to include equestrian staging, connection to trails, and a new walk-in boat access point, only if the California Exposition's exclusive use for parking on the entire 11 unsurfaced acres during the State Fair as authorized in subdivision (a) and for exhibitor parking related to agricultural and equestrian events taking place at the California Exposition livestock pavilion and equestrian arena, as authorized by subdivision (b), is not impeded.

(d) The coordination and management of public parkway user access and parking and the California Exposition's periodic exclusive use of the unsurfaced 11-acre area for a period that shall not exceed 34 days per year, as specified in subdivisions (b) and (c), shall be addressed in a management agreement between the American River Parkway Manager and the California Exposition and State Fair. The management agreement shall be consistent with this section.

SEC. 3. Section 5834 of the Public Resources Code is amended to read:

5834. The California Exposition and State Fair Board of Directors shall preserve and manage, or provide, pursuant to an agreement with the American River Parkway Manager, for the management of, the Bushy Lake area in accordance with Section 5019.71 and the land use designations and policies of the American River Parkway Plan.

SEC. 4. Section 5841 of the Public Resources Code is amended to read:

5841. (a) "American River Parkway Plan" means the revised, updated management plans for the lower American River adopted by the County of Sacramento on September 10, 2008, by Resolution No. 2008-0946, and by the City of Sacramento on November 6, 2008, by Resolution No. 2008-731, and endorsed by the City of Rancho Cordova on September 15, 2008, by Resolution No. 110-2008.

(b) "Lower American River" means that portion of the American River between Nimbus Dam and the confluence of the American River with the Sacramento River and the adjacent lands as described in the American River Parkway Plan.

(c) “American River Parkway” means the area described in the American River Parkway Plan.

SEC. 5. Section 5841.5 of the Public Resources Code is amended to read:

5841.5. (a) The American River Parkway and its environs contribute to the quality of life within the City of Sacramento, the City of Rancho Cordova, and the County of Sacramento, enhance the image of the cities and the county as desirable places to live, provide for the public safety and welfare of the community, and thereby contribute to the economic well-being of the community.

(b) The lower American River serves as a floodway channel, protecting the community from runoff, rainfall, and snowmelt.

(c) The lower American River sustains a myriad of fish populations, including steelhead, king salmon, striped bass, shad, and other fish and wildlife populations, which in turn annually support millions of recreation user-days and commercial, scientific, and educational uses and benefits.

(d) The recreation capacity of the American River Parkway is immense, including such diverse activities as hiking, bicycling, picnicking, birding, horseback riding, canoeing, kayaking, rafting, sailing, and power cruising.

(e) It is essential that the function of the lower American River and its environs, as a regional open-space resource within the center of the City of Sacramento, the City of Rancho Cordova, and County of Sacramento, be supported and maintained.

(f) Actions undertaken by a state agency can drastically affect the American River Parkway and negate planning steps taken by appropriate local agencies.

(g) Adoption of the American River Parkway Plan by the State of California provides necessary recognition so that local planning efforts are eligible to receive planning grants through the Land and Water Conservation Fund, technical staff assistance through the National Park Service, and financial assistance through the Soil Conservation Service’s Cooperative River Basin Planning Program.

SEC. 6. Section 5842 of the Public Resources Code is amended to read:

5842. (a) The Legislature hereby adopts the American River Parkway Plan so as to provide coordination with local agencies in the protection and management of the diverse and valuable natural

land, water, native wildlife, and vegetation of the American River Parkway.

(b) Actions of state and local agencies with regard to land use decisions shall be consistent with the American River Parkway Plan, subject to the following provisions:

(1) This chapter does not impair the authority and responsibilities of state or local public agencies in maintaining and operating the flood channel, levees, and pump stations, except that these operations, as nearly as practicable, shall be consistent with the American River Parkway Plan.

(2) This chapter does not affect the existing authority of the City of Sacramento to conduct or settle litigation involving the validity or application of the American River Parkway Plan.

(3) This chapter does not prohibit the reasonable expansion of the water treatment facility operated by the City of Sacramento.

(4) This chapter does not impair the authority and responsibilities of state agencies in managing the California Exposition flood plain or Bushy Lake area pursuant to Chapter 9 (commencing with Section 5830).

(5) This chapter does not affect the exercise of existing water rights.

(c) Notwithstanding subdivision (a), the Legislature finds and declares that Chapter 10 of the American River Parkway Plan, titled Area Plans, which consists of maps, policies, and narrative, may be amended through a local amendment process. However, Area Plans may be amended only to the extent that they are not inconsistent with the state-adopted Area Plan policies contained in Chapter 2 of the American River Parkway Plan. The Legislature recognizes that amendments to Area Plans shall be carried out by the board of Sacramento County Board of Supervisors in accordance with the public hearing process described in Chapter 11 of the American River Parkway Plan, titled Implementation, and recognizes the roles and responsibilities of public agencies set forth in the public hearing process including coordination with the city councils of the Cities of Sacramento and Rancho Cordova.

SEC. 7. Section 5842.5 of the Public Resources Code is repealed.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within

the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure consistency between the Sacramento County General Plan and state law, and to receive time-sensitive funds to make timely improvements to the American River Parkway and the surrounding areas, it is necessary that the revisions to the American River Parkway Plan go into effect immediately.

Approved _____, 2009

Governor